

DD/S 72-1773

15 MAY 1972

MEMORANDUM FOR: Executive Director-Comptroller
General Counsel
Deputy Director for Intelligence
Deputy Director for Plans
Deputy Director for Science and Technology
Deputy to the Director, Intelligence Community

SUBJECT : Implementation of Executive Order 11652

REFERENCE : Memo dtd 1 May 1972 to Above Adses fr DD/S;
Subject: Delegations of Authority to Classify
and Declassify Under the Provisions of Executive
Order 11652 (DD/S 72-1746)

1. Section 7 of Executive Order 11652 requires that the Director designate a representative of the Agency as a member of an Interagency Classification Review Committee to assist the National Security Council in monitoring the Implementation of the Order. The Director is also required to designate a senior member of his staff "who shall ensure effective compliance with and implementation of this order and shall also chair a Departmental committee which shall have authority to act on all suggestions and complaints with respect to the Department's administration of this Order."

2. The draft headquarters regulation distributed at the Deputies meeting two weeks ago assumed, in deference to tight deadlines, that it would be necessary to adapt our present classification control system to accommodate the new requirements of E.O. 11652. I believe this is a valid assumption if we are to submit our regulation to the White House for review and still have it printed and distributed in time for it to be effective on 1 June 1972. At the same time, I think we should consider this as an interim measure and proceed at once to overhaul our system to eliminate overlapping and duplicative functions and responsibilities now existing and provide a cohesive unified system to satisfy the new requirements.

3. With this in mind, I offer for your consideration the suggestion that we approach this as a records management problem rather than a security problem and that we select representatives for the inter- and intra-Agency committees

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accordingly. Security classification and declassification is a command responsibility, but so is records management. We already have working systems requiring that we schedule the retention periods of records and establish disposal dates. E.O. 11652 allows officials authorized to classify information Top Secret to exempt it from the General Declassification schedule if it falls within one of four exemption categories. In so doing, he is required to specify a date for automatic declassification. The decision to retain for a specified period and the decision to declassify after a specified period are both decisions taken in consideration of the content, sensitivity, long-term value and historical significance of the information. If these decisions are taken together rather than separately, we can simplify both the records management and classification systems immeasurably. The provisions of Section 5C, D and E of the Order prescribing mandatory review of exempted material after ten and thirty years under terms prescribed in the Order may be subject to more effective administration if they are given full consideration when the records retention schedules are established. It may be more reasonable, for example, to schedule a document for destruction after nine years than classification review after ten. By the same token, review of documents for declassification after the specified periods may result in a decision to destroy them rather than extend their retention and continue their classification or declassify them.

4. Paragraphs F and G of Section 6 of the Executive Order have the effect of tying the classification system directly to records management.

"(F) Classified information and material no longer needed in current working files or for reference or record purposes shall be destroyed or disposed of in accordance with the records disposal provisions contained in Chapter 33 of Title 44 of the United States Code and other applicable statutes." [underscoring added]

"(G) Classified information or material shall be reviewed on a systematic basis for the purpose of accomplishing downgrading, declassification, transfer, retirement and destruction at the earliest practicable date." [underscoring added]

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While the provision of Section 3, paragraph E, of the Order, having to do with the declassification of information or material transferred to the General Services Administration for accession into the Archives of the United States, does not have direct application to us, we will almost certainly be expected to observe the principles in transferring materials into our own archives. The same will apply to Section 11 in relation to papers held in our Records Center but identified as appropriate for inclusion in Presidential libraries.

5. Requirements of Section 4 of the Order, having to do with marking documents and showing the identification of the classifying authority, can be regarded as problems of correspondence management rather than security problems and perhaps can be dealt with more appropriately as a part of our records management programs. We don't yet know all of the implications of the Executive Order for administering a classification control system as it applies to computer files and output forms, microform systems and other media of modern information processing activities; but, again, they seem to be the kinds of problems that professional records managers should be solving.

6. There may be some feeling that we don't have the professionalism or seniority in some of our records management programs to permit the new requirements imposed by E.O. 11652 to be dealt with adequately in that context. Should this be so, it would seem to suggest that we seriously consider using the requirements of the Executive Order as the impetus to provide some needed and desirable strengthening of our records management systems rather than create a whole new classification control system to run in parallel.

7. I hope you agree that there is sufficient logic supporting these ideas to warrant serious consideration before candidates are selected for the Inter-agency Committee and for Chairman and members of the intra-Agency Committee. In any case, the first chore of the internal Agency group probably should be to devise an effective system for administering the Executive Order and its implementing instructions, and it would be useful to them to have some guidance relevant to the points raised in this memorandum.

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8. Your comments, alternative proposals or concurrences are solicited. If we are to meet the 1 June effective date, we will have to dispose of this fairly promptly. It would be useful to have your responses by 12 May. If you care to suggest the names of individuals to represent the Agency on the Interagency Committee and to chair and comprise the internal committee, I will be pleased to compile them for submission to the Director.

/s/ John W. Coffey
John W. Coffey
Deputy Director
for Support

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cc: Director of Security

SOS/DD/S []:bbt (retyped 5 May 72)

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